

II. PLACE OF PRESENT CONFINEMENT: Stevenson Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES NO
Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name of address of plaintiff: Raymond Greenhaw #775714
1525 FM 766 Cuero, TX 77954

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Kelli Ward, Grievance Coordinator Region III Box 965
Beeville, TX 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Signed Step 2 Grievance, claiming investigation finished/but nothing invest.

Defendant #2: Brenda Chaney Warden Jester Units, Richmond, TX 77469

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
was warden at time with full knowledge of officer's retaliation

Defendant #3: Amado Iglesias 1525 FM 766 Cuero, TX 77954

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Asst. Warden fully aware of officer's retaliation

Defendant #4: Darren Wallace McConnell Unit 3001 South Emily Dr. Beeville,
TX. 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
disciplinary capt. who found guilt on bogus case from retaliation

Defendant #5: Ronald Fisher 1525 FM 766 Cuero, TX 77954

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
was Mrs. Kits supervisor and was aware of retaliation

Defendant #6 Lynda Kite 1525 FM 766 Cuero, TX 77954 she in her personal capacity wil-

V. STATEMENT OF CLAIM: fully and knowingly retaliated on me for past grievances
that I filed.

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

In the past I have complained and filed grievances on Mrs. Kite for her
actions under color of law. On 8-14-02 she saw her chance to retaliate against

me by writing a disciplinary case for refusing to obey her order to "stop talking and sit down," when in fact the only thing she told me was to "shut up and get in the hall." Which I did. I was written a case and found guilty. I had several witnesses to the fact I did not refuse an order and that I was written up out of retaliation. I had a clean disciplinary record up until then, and have had since then.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. compensatory and punitive damages in excess of the Court's jurisdictional limits with interest at the highest rate allowed by law until paid, reversal of the disciplinary case and such other and further relief to which I am justly entitled.

VII. BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Raymond Hollis Greenhaw, Jr.

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

TDC #383643 and TDCJ-ID #775714

VII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

 YES X NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? YES X NO

- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer

the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warnings were imposed: _____

Executed on: 5-Dec-2002
DATE

Raymond Greenhaw
Raymond Greenhaw
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 5th day of Dec, 20 02.
(Day) (Month) (Year)

Raymond Greenhaw
Raymond Greenhaw
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.



Texas Department of Criminal Justice

STEP 2

PASO 2

**OFFENDER
GRIEVANCE FORM**

Forma Para Quejas de los Preso

Offender Name: Raymond Greenhaw TDCJ # 775714Unit: SS Housing Assignment: E-108-BUnit where incident occurred: Stevenson**OFFICE USE ONLY**

Para Uso De La Oficina Solamente

Grievance #: 2002227295UGI Rec'd Date: SEP 13 2002HQ Rec'd Date: SEP 13 2002Date Due: 10-15Grievance Code: 401Investigator Number: I-0881
☐ EM ☐ UOF ☐ MED
☐ ADA ☐ REL ☐ SSI

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

I Disagree with the findings of the Step (1) # 2002227295. There was (6) six inmates who testified that I was not given the order to stop talking and sit down. I had A Lt. to give a statement that I was in the Hall at 1920 there fore I could not anyway have disobeyed the order at 0735. And to prove that MS Kite even lied on the Tape were I asked her if she had in the past ever told anybody in the Law Library to "Shut up" I will reflect to MS Oastley's statement. She has testified that MS Kite has even told her to "Shut up" and she is a officer. Call her and ask her if my Sub. Counsel did not put it on her statement because I heard her tell her. When I ask MS Kite she stated "NO I dont use that kind of language." there is a pattern here with MS Kite. She lied on me and something needs to be done about it. I request that she be put on a PolyGraph. As well as my self. I did not refuse to obey any order. I have 6 inmates and two officers A Lt and COV that will prove MS Kite lied. look at the evidence.

SEP 13 2002

Offender Signature:

Raymond Greenhaw

Date:

9-10-02

Appellate Decision and Reason:

- ☐ The Step 1 answer has addressed your complaint. No action will be taken.
- ☐ You have not provided a good reason for your appeal or for this office to review your claims further. No action will be taken.
- ☐ The issue you raise has been resolved or is pending resolution and no further action is warranted.
- ☐ The issues you present have already been reviewed. No further appeals of the same issues will be addressed. No action will be taken by this office.

Major Disciplinary Case #20020322504 has been reviewed by this office. You were present at your hearing and provided your defense. You have admitted that it was not your place to speak up to the charging officer while she was engaged with another offender regarding his behavior. Therefore the preponderance of credible evidence was sufficient indicating that she gave you an order and you failed to obey this order. The decision of the Hearing Officer shall stand as rendered. The evidence used was both proper and sufficient to support a finding of guilt. There were no procedural errors noted. The punishment was within established guidelines. This office does not schedule polygraph examinations for offenders nor officers. No further action is warranted by this office.-jtl-d

Authority:

Kelli Ward

Date:

OCT 04 2002

Because:

Kelli Ward

Levelling time period has expired.

Unintelligible/Incomprehensible*

Finals not submitted*

Improper/Excessive attachments*

Abusive use of vulgar, indecent, or physically threatening language directed at an individual.

Improper (request is for employee disciplinary action or consequential or punitive damages).

Submit this issue once corrections are made.

Grievance Staff: _____



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

PASO 1

Forma Para Quejas de los Preso

Offender Name: Raymond Greenhaw TDCJ # 775714Unit: SB Housing Assignment: E-108-BUnit where incident occurred: Stevenson

OFFICE USE ONLY

Para Uso De La Oficiaria Solamente

Grievance #: 2002227295Date Received: 8/23/02Date Due: 10/02/02Grievance Code: 401Investigator Number: 10433☐ EM ☐ UOF ☐ MED☐ ADA ☐ REL ☐ SSI

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? _____ When? _____

What was their response? _____

What action was taken? This is A Appeal of Case No* 20020322504.

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

Reason for Appeal: Insufficient Evidence⁽¹⁾ The only Evidence used to find Guilt was the I-210 And Testimony of officer Kite. Were I had at least 6 written statements to the fact that I was Not given the order to Stop talking And sit Down. The only order given to me was to "Shut up". When I Asked MS Kite via Speaker Phone if she in the past had ever told Any ~~body~~ to "Shut up" She stated NO "I dont use that Kind of ~~Language~~ ^{RS: ~~Language~~} Language". However on MS Oasleys Statement to my Sub. Counsel She told me that she testified to the fact that MS Kite has even told her to "Shut up" Therefore I submit that MS Kite Purged her testimony At least one of my Witnesses testified on Statement to MS Kite telling me to "Shut up" (2) When the Issue of Time Came About Capt. Wallace said it was Not Relevant. The Case Reads as Follows: On The Date And Time Listed Above ... Therefore The Time is A element of the offence that should be Proved. When Capt Wallace said it was Not Relevant my Counsel objected. because later Testimony of Lt. Esparza Proves beand. Any Doubt that I was Not At the Law Library At 0735 PM. I was in fact in the Hall According to Lt Esparza. At 1920 PM. Therefore There is No possible way I Could have been given the order to Sit Down And Stop talking As I testified to the Only Order I Recieved was "Shut up" This is Not A Legitimate order. On the Punishment Capt Wallace said

~~the~~ the specific Factual Reason for particular punishment imposed was "offenders are required to follow legitimate orders" I would like someone to look at my past year and eight months on the Stevenson unit. I've had one minor case for not going on a medical chain. Now the evidence will show that I did not refuse to obey any order that was legitimate. This case was written under false pretence and was a retaliation act on the part of MS Kite.

Action Requested to Resolve your Complaint.

Subject MS Kite to a polygraph test to the fact if she did not tell me to shut up also a drug test to make sure she has not did any drug before the polygraph. Reinstate my S-3 and expunge this case from my record.

Offender Signature: Raymond L. Shaw Date: 8-22-02

Administration's Decision

- ☐ Mandatory referral to IAD (Grievance worksheet attached)
- ☐ No action warranted (Explain).

Disciplinary case #20020322504 has been reviewed and no procedural errors were identified. It appears that sufficient evidence was found to support a guilty verdict. The punishment imposed was within established guidelines; therefore, there is no valid reason to warrant overturning this case.

B. Chaney

Signature Authority:

B. Chaney

Date:

9/6/02

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the Step 1 response. State your reason for appeal on the Step 2 form.

Returned because:

- | | |
|--|--|
| <input type="checkbox"/> 1. Grievable time period has expired. | <input type="checkbox"/> 6. No requested relief is stated.* |
| <input type="checkbox"/> 2. Submission in excess of 1 every 7 days* | <input type="checkbox"/> 7. Malicious use of vulgar, indecent, or physically threatening language directed at an individual. |
| <input type="checkbox"/> 3. Original not submitted* | <input type="checkbox"/> 8. The issue presented is not grievable. |
| <input type="checkbox"/> 4. Inappropriate/excessive attachments* | <input type="checkbox"/> 9. No remedy exists. |
| <input type="checkbox"/> 5. No documented attempt at informal resolution.* | <input type="checkbox"/> 10. Illegible/Incomprehensible* |
| *You may resubmit this issue once corrections are made. | <input type="checkbox"/> 11. Inappropriate (request is for employee disciplinary action or consequential or punitive damages). |